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**BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. OT2004-83

PATRICIA ANNE MURPHY
3301 Arena Blvd. #206
Sacramento, California 95834

A C C U S A T I O N

Occupational Therapy License No. OT 6730

Respondent.

Complainant alleges:

PARTIES

1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the California Board of Occupational Therapy, Department of Consumer Affairs.

2. On or about April 29, 2003, the California Board of Occupational Therapy issued occupational therapy license number OT 6730 to Patricia Anne Murphy (Respondent). The occupational therapy license was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2005, unless renewed.

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(commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

7. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1."

8. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. California Code of Regulations, title 16, section 4121 states:

" Except as otherwise provide in the Code, a license or certificate which has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license or certificate is renewed more than 30 days after its expiration, the licensee or certificate holder, as a condition precedent to renewal, shall also pay a delinquency fee. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license or certificate shall continue in effect through the expiration date provided in section 4120 above which next occurs after the effective date of renewal, when it shall expire if it is not renewed."

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **DRUGS**

2 11. Marijuana is a Schedule I controlled substance as designated by Health
3 and Safety Code section 11054(d)(13).

4 12. Methamphetamine is a Schedule II controlled substance as designated by
5 Health and Safety Code section 11055(d)(2).

6 **FACTUAL BACKGROUND**

7 13. On or about January 27, 2005, Respondent was driving a vehicle in the
8 city of Woodland in Yolo County, California, when she was stopped by law enforcement due to a
9 suspected vehicle code violation. During the traffic stop, Woodland police officers discovered a
10 small amount of marijuana and a smoking pipe in Respondent's vehicle. Subsequently, the
11 police officers also discovered that Respondent's purse held an eyeglass case containing a white
12 powder and glass pipe. Testing revealed that the white powder in Respondent's purse was
13 methamphetamine.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Unlawful Possession of Controlled Substance)

16 14. Respondent is subject to disciplinary action for unprofessional conduct
17 under Code section 2570.29 in that, on or about January 27, 2005, Respondent possessed
18 marijuana and methamphetamine, both controlled substances, in violation of Business and
19 Professions Code section 4060.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct)

22 15. Respondent is subject to disciplinary action for unprofessional conduct
23 under Code section 2570.28 in that Respondent failed to complete accurate documentation of
24 client treatment in a timely manner, as follows:

25 A. In or around the beginning of 2005, Respondent was employed with RJ
26 Therapy, Inc., as a staff occupational therapist at a contracted skilled nursing facility ("SNF") in
27 Woodland, California. On or about February 16, 2005, Respondent notified RJ Therapy that she
28 was "taking a leave of absence." On or about February 23, 2005, Respondent's employer

1 notified Respondent that she had delinquent, illegible, or inaccurate clinical documentation for 9
2 patients which she was obligated to complete or correct and turn in immediately. Despite the
3 employer's numerous attempts to obtain the required documentation, Respondent did not comply
4 with her obligation to complete the client records until on or about June 13, 2005.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged and that following the hearing, the California Board of Occupational Therapy issue a
8 decision:

9 1. Revoking or suspending Occupational Therapy License Number OT 6730,
10 issued to Patricia Anne Murphy;

11 2. Ordering Patricia Anne Murphy to pay the California Board of
12 Occupational Therapy the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Business and Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.
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17 DATED: 7/26/06

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20 HEATHER MARTIN
21 Executive Officer
22 California Board of Occupational Therapy
23 Department of Consumer Affairs
24 State of California
25 Complainant
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